MST

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUATION SHEET

CIVIL APPLICATION NO.471 OF 2002
IN
CIVIL REVISION APPLICATION (ST) NO.17687 OF 2002

. . . . . .

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions & Registrar's orders	Court's or Judge's order

. . . . . .

Mr.Pethe for applicants.
Mr.S.R.Page for responents.

CORAM : A.S.OKA, J.

DATE : 29th June 2007

PC :

1. Heard advocates for the parties. Sufficient cause is made out for condonation of delay. Rule is made absolute accordingly. Civil application is allowed.

(A.S.OKA, J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION (ST) NO.17687/2002

Octroi Naka Officer, PMC & anr. Petitioners
versus
Hitesh Jayantilal Parmar Respondent

Mr.Pethe for applicants.
Mr.S.R.Page for responents.

CORAM : A.S.OKA, J.

DATE : 29th June 2007

PC :

1. The revision application has been preferred by the applicants (original defendants) for challenging the order dated 1st August 2001 passed by the Trial Court by which it is held that the Trial Court had jurisdiction to entertain the suit filed by the respondents. The advocate for the respondents has placed on record a certified copy of the judgment dated 17th October 2005. The said judgment shows that the suit filed by the respondent has been decreed. It is, therefore, obvious that the revision application does not survive. However, it is made clear that if the revision applicants have preferred an appeal against the decree, in the

MST

said appeal, the revision applicants can always challenge the legality and validity of the impugned order.

2. Subject to what is stated above, the revision application is rejected.

(A.S.OKA, J.)